



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

FEB 28 2012

Mr. Alan Rinkemeyer
Acting Director, Division of Environmental Quality
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176

RE: FY 2012 Review of Missouri's Underground Storage Tank Program - Corrective Action Component

Dear Mr. Rinkemeyer:

The purpose of this letter is to confirm that the on-site portion of the Fiscal Year (FY) 2012 Program Review of the Missouri Underground Storage Tank (UST) Program, Corrective Action Component, is scheduled for April 4 through 5, 2012. These dates have been discussed and agreed upon between both the EPA and the Missouri DNR UST program staff.

The attached Proposed Schedule will remain flexible within each day to accommodate the parties involved, realizing that they have other responsibilities, and to acknowledge that portions of the schedule may take more or less time to address. Also attached is a questionnaire that we would like you to consider and be prepared to discuss during our visit.

To facilitate the review, the EPA staff will need access to a conference room, a copy machine and a phone. The availability of appropriate program staff along with access to corrective action files is also appreciated.

Our program review protocol establishes a goal of thirty (30) days from the exit conference for the compilation of a draft program review report. The MDNR will be asked to respond with questions or commentary within sixty (60) days from the exit conference, and we will provide a response to the commentary within ninety (90) days from the exit conference. A final program review report will be transmitted to MDNR within one hundred and twenty (120) days from the exit conference. Maintenance of this proposed schedule is dependent upon timely responses and communication from the parties involved.

We greatly appreciate the efforts of your staff in assisting with the review. Our UST Program contact for this review is Douglas Drouare, and he can be reached at (913) 551-7299. Please feel free to contact me directly at (913) 551-7487, if you would like to discuss any aspect of the program review.

Sincerely,

A handwritten signature in dark ink, appearing to read "Becky Weber". The signature is fluid and cursive, with the first name "Becky" being more prominent than the last name "Weber".

Becky Weber
Director
Air and Waste Management Division

Enclosures: Proposed Schedule
Questionnaire

cc: Ms. Sarah Parker Pauley, Director, MDNR
Mr. David Lamb, Hazardous Waste Program Manager, MDNR
Mr. Ken Koon, Tanks Section Chief, MDNR

bcc: Doug Drouare, STOP

PROPOSED SCHEDULE

FISCAL YEAR 2012 REVIEW MISSOURI'S UNDERGROUND STORAGE TANK PROGRAM CORRECTIVE ACTION COMPONENT

Entrance Conference: April 4, 2012, 9:00 AM, MDNR Office, Jefferson City, MO
Review Process: April 4 - 5, 2012, MDNR Office, Jefferson City, MO
Exit Conference: April 5, 2012, 3:00 PM, MDNR Office, Jefferson City, MO

- April 4, 2012, 9:00 AM to 9:15 AM – Entrance Conference with Interested Parties
- April 4, 2012 9:15 AM to 9:45 AM - Meet with senior MDNR staff for introductions, review discussion, general overview of program component, question and answer session
- April 4, 2012 9:45 AM to 12:00 PM – Detailed discussion of program components with program chief and their senior staff
- April 4, 2012 12:00 PM to 1:00 PM – Lunch Break
- April 4, 2012 1:00 PM to 3:00 PM - Detailed discussion of program components with program chief and senior staff (continued)
- April 4, 2012, 3:00 PM to 5:00 PM – USEPA data digestion and compilation (no MDNR involvement necessary)
- April 5, 2012, 8:00 AM to 8:15 AM – Update discussion with program chief and their senior staff
- April 5, 2012, 8:15 AM to 12:00 PM – Interviews and specific project reviews with project management staff
- April 5, 2012, 12:00 PM to 1:00 PM – Lunch Break
- April 5, 2012 1:00 PM to 3:00 PM – Interviews and specific project reviews with project management staff
- April 5, 2012 3:00 PM to 3:30 PM – USEPA follow up interviews, questions and answers (Exit Conference)

Questions & Answers
Out Schedule

Missouri DNR LUST Corrective Action Program Review Questions

State Agency Staffing

Provide an organizational chart indicating the staff assigned to the State's corrective action program, their job title and a brief description of their job responsibilities.

State Agency Processes and Data Management

1. Provide a brief description of the flow of project information through your program: when a release is first reported describe how this information moves through you organization, how assignments are designated internally, how you communicate with the responsible party and how internal oversight is performed.
2. Describe how project data is collected, recorded and stored.

State Program Approval (SPA) and Memorandum of Agreement (MOA) Compliance

Release Reporting, Investigation and Confirmation

1. What criteria does the state of Missouri utilize for identifying a suspected release?
2. Describe the state of Missouri's 24-hour time limitation for reporting suspected releases?
3. Describe the state of Missouri's seven-day time limitation for investigating and confirming/refuting a potential release?
4. What policies/rules does the state of Missouri have in place for evaluating potential off site impacts due to a release?
5. Describe *system tests* that the state of Missouri finds acceptable for investigating and confirming/refuting a potential release?
6. What policies/rules does the state of Missouri have in-place for requiring corrective actions due to failed *system tests*?
7. Describe the state of Missouri's protocols for performing a *site check*.
8. Describe the state of Missouri's protocols for closing a site if the release is refuted.
9. Describe the state of Missouri's protocols for referring the project to the next appropriate level should the release be confirmed.
10. Describe how the communications between the owner/operator and the state of Missouri occur and are documented.

Release Response and Corrective Action

1. What policies/rules does the state of Missouri have for performing 24 hour *initial response* actions?
2. What policies/rules does the state of Missouri have for performing *initial abatement measures*?

Missouri DNR LUST Corrective Action Program Review Questions

3. What policies/rules does the state of Missouri have for performing *initial site characterization*?
4. What policies/rules does the state of Missouri have for performing *free product removal*?
5. What policies/rules does the state of Missouri have for performing *investigations for soil and groundwater cleanup*?
6. What policies/rules does the state of Missouri have for performing *corrective action planning*?
7. What policies/rules does the state of Missouri have for providing for *public notice* when *corrective action planning* is necessary?
8. Describe the prioritization/ranking system utilized by the state of Missouri to prioritize sites based on threat to human health and the environment and how the system affects response and corrective actions?
9. Does the state of Missouri stipulate a standard list of parameters for *site checks* and *initial site characterization*?
10. Does the state of Missouri use a regimented or risk based corrective action process?
11. What policies/rules does the state of Missouri have for performing corrective action?
12. How many confirmed releases are currently undergoing investigation/corrective action (open)?
13. Break down the number of open releases based on annual age since release.
14. Provide an opinion on the top reasons for sites remaining open for longer than a year (backlog).
15. What actions are being taken to address the backlog and what, in your opinion, are the biggest impediments to those actions being taken/successful?
16. Based on your organizational chart and job descriptions, describe the role(s) your staff plays in the response and corrective action process: both from an oversight and direct action perspective.
17. Describe the stages of reporting and corresponding timelines expected from responsible parties.
18. Describe the methodology/system utilized to track a project's status.
19. Describe the baseline record keeping for a typical project.

Corrective Action Technologies

1. List investigation technologies typically utilized in your state (i.e. hollow stem augering, direct push, sonic drilling, monitoring wells, low flow sampling, soil vapor surveys, etc.)
2. List remedial technologies typically utilized in your state and approximations of how often each is utilized (i.e. dig & haul 60%, pump and treat 15%, natural attenuation 5%).

Missouri DNR LUST Corrective Action Program Review Questions

3. Mention investigation/remedial technologies you have found to be particularly successful/unsuccessful?
4. List often utilized consultants/contractors utilized for investigation/remedial/corrective action activities.
5. How does the state of Missouri evaluate the performance of technologies/consultants/contractors and provide input to owner/operators?

Contaminated Media Management Policies (IDW, land farming, land filling)

1. Describe the state of Missouri's guidance, policies and rules related to the management of investigation derived wastes (IDW) from creation to disposal.
2. Describe the options for "alternative" soil and water disposition available in the state of Missouri. (i.e. land farming (on and off site), on-site treatment, land filling, etc.)

Consultants/Contractors

1. Does the state of Missouri pre-qualify consultants/contractors?
2. Describe the roles and general format of interactions between the state of Missouri and the consultants/contractors on typical project.
3. Does the state of Missouri evaluate and track consultant/contractor performance?
4. What types of contract mechanisms does the state of Missouri use with consultants and/or contractors? Explain the pros and cons of each mechanism?

Financial Responsibility State Fund

1. Describe the primary *financial responsibility (FR) mechanism* utilized in the state of Missouri.
2. Provide the contact information for the FR entity.
3. Describe other FR mechanisms utilized in the state of Missouri.
4. What is the approximate percentage use breakdown for the various FR mechanisms?
5. Describe the FR verification process utilized.
6. Describe how typical project interactions occur between you and your state financial responsibility fund.
7. Describe positive aspects of interactions with the FR entity.

Public Communication

1. Describe how state of Missouri guidelines, policies and rules are communicated to the regulated community and the public in general.
2. Describe the criteria that triggers public involvement at a specific contaminated site and the methods utilized to announce this to the public.
3. Describe the avenues available to the public for offering input on both.

Missouri DNR LUST Corrective Action Program Review Questions

Guidance/Policies/Procedures/Rules/Regulations Post SPA/MOA

Describe corrective action policies/procedures/rules/regulations that were developed and implemented post SPA/MOA; if applicable.

The Advent of Bio-Fuels

1. Describe how the advent of bio-fuels has impacted your corrective action training, guidance, policies, procedures, rules, regulations.
2. Describe real life experiences with bio-fuel releases (if any) and atypical actions required due to their unique characteristics.

Risk Based Corrective Action (RBCA)

1. Was ASTM 1739/USEPA guidance used as a model for your RBCA system?
2. What are the significant differences between ASTM 1739 and your RBCA system?
3. What policies/rules does the state of Missouri have in place to address the following:

Dimensional Delineation of Contamination
Migration on to Adjoining Properties
Free Product Recovery
Notice to Impacted Property Owners
Groundwater Exposure Pathway Evaluation
Utility Corridor Evaluation

Institutional Controls
Engineering Controls
Long Term Stewardship
Public Notice of Activity Use Limitations
Vapor Intrusion Exposure Pathway Evaluation
Tier I/II/III Evaluations

4. Does the state of Missouri stipulate a standard list of Tier I threshold criteria for parameters of concern?
5. What software does your state utilize/offer to assist with RBCA assessments?
6. Is your RBCA process presented as guidance or codified via statute/rules?
7. Is there a review process in place/scheduled to periodically evaluate your RBCA process?

State Led Corrective Actions

State Lead Determination Process

Describe how the state of Missouri evaluates incidents of responsible party recalcitrance and potential state lead for corrective action.

Variations to Corrective Action Policies and Procedures (If any)\

Describe variations in corrective action policies, procedures, guidelines, regulations and rules when the state becomes the lead for corrective action.

Consultants/Contractors (Contracting and Oversight)

1. What technical capabilities can the state supply themselves utilizing internal resources?

Missouri DNR LUST Corrective Action Program Review Questions

2. What procedures are in place to deal with contractors involved in state lead projects (i.e. template contracts, bidding process, approved contractors list, oversight, performance evaluations, etc.)?
3. Does the state of Missouri pre-qualify consultants/contractors?
4. Describe the roles and general format of interactions between the state of Missouri and the consultants/contractors on typical project.
5. Does the state of Missouri evaluate and track consultant/contractor performance?

File/Data Review

Establish that files/records reflect the policies/procedures/rules/regulations/guidance disclosed during the review process.

State Staff Interviews

Establish that staff understands and implements the policies/procedures/rules/regulations/guidance disclosed during the review process.

Multi-Year Review of Performance Numbers (Programmatic data reports to USEPA and any other data the state wishes to present)

Programmatic Review Policies and Schedule

1. What policies does the state of Missouri have in place for reviewing, evaluating and modifying their guidance, policies and rules?
2. Describe the process. Who is involved and how does the process flow?
3. Is this process periodic or as needed?
4. What guidance, policies or rules, if any, are currently under review?

State Agency Accomplishments and Priorities for Future Improvement

[illegible]

[illegible]